

## **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed January 9, 2008 rejected claims 1-24. This is a full and timely response to that outstanding Office Action. Reconsideration and allowance of all pending claims are respectfully requested.

### **I. Present Status of Patent Application**

Claims 1-5, 7-10, 12-21, and 23-24 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). Claims 6, 11, and 22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.* (U.S. Publication No. 2004/0015961). Claims 1, 9, and 17 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). These rejections are respectfully traversed.

### **II. Rejections Under 35 U.S.C. §102(e)**

#### **A. Claims 1-5 and 7-8**

The Office Action rejects claims 1-5 and 7-8 under 35 U.S.C. §102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). For at least the reasons set forth below, Applicant(s) respectfully traverses the rejection.

**Independent claim 1** recites:

1. A method comprising:  
receiving a device driver file and a first portion of network-specific data from a station to a host computing device, **the network-specific data comprising data for setting a network access level for the station**;  
installing at said host computing device a device driver that is represented by said device driver file; and  
transmitting a data block into a shared-communications medium that constitutes a network, wherein said host computing device generates said data block and wherein said host computing device uses said device driver to transfer said data block to said station; wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicant respectfully submits that claim 1 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Bunger* does not disclose, teach, or suggest at least **the network-specific data comprising data for setting a network access level for the station**. Even if, assuming for the sake of argument, *Bunger* discloses network-specific data, *Bunger* fails to disclose that the network specific data sets the network access level. *Bunger* fails to suggest separate access levels for the network and certainly fails to set a particular network access level. Therefore, *Bunger* does not anticipate independent claim 1, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-5 and 7-8 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-5 and 7-8 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-5 and 7-8 are patentable over *Bunger*, the rejection of claims 2-5 and 7-8 should be withdrawn and the claims allowed.

B. Claims 9-10 and 12-16

The Office Action rejects claims 9-10 and 12-16 under 35 U.S.C. §102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). For at least the reasons set forth below, Applicant(s) respectfully traverses the rejection.

**Independent claim 9** recites:

9. An apparatus comprising:
  - a memory for storing a device driver file and a first portion of network-specific data, **the network-specific data comprising data for setting a network access level for the apparatus**;
  - a host interface for transferring said device driver file and said first portion of network-specific data to a host computing device; and
  - a transmitter for transmitting a data block into a shared-communications medium that constitutes a network, wherein said data block is received from said host computing device using a device driver that is that is represented by said driver file;wherein said first portion of network-specific data defines said network.  
(Emphasis added).

Applicant(s) respectfully submits that claim 9 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 9 is allowable for at least the reason that *Bunger* does not disclose, teach, or suggest at least **the network-specific data comprising data for setting a network access level for the apparatus**. Even if, assuming for the sake of argument, *Bunger* discloses network-specific data, *Bunger* fails to disclose that the network specific data sets the network access level. *Bunger* fails to suggest separate access levels for the network and certainly fails to set a particular network access level. Therefore, *Bunger* does not anticipate independent claim 9, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 9 is allowable over the cited references of record, dependent claims 10 and 12-16 (which depend from independent claim 9) are allowable as a matter of law for at least the reason that dependent claims 10 and 12-16 contain all the features of independent claim 9. Therefore, since dependent claims 10 and 12-16 are patentable over *Bunger*, the rejection of claims 10 and 12-16 should be withdrawn and the claims allowed.

C. Claims 17-21 and 23-24

The Office Action rejects claims 17-21 and 23-24 under 35 U.S.C. §102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). For at least the reasons set forth below, Applicant(s) respectfully traverses the rejection.

**Independent claim 17** recites:

17. An apparatus comprising:  
a transceiver for:
- 1) transferring a device driver file and a first portion of network-specific data to a host computing device, ***the network-specific data comprising data for setting a network access level for the apparatus***; and
  - 2) transmitting a data block into a shared-communications medium that constitutes a network; and a  
host computing device for:
    - 1) installing a device driver that is represented by said device driver file;
    - 2) generating said data block; and
    - 3) using said device driver to transfer said data block to said transceiver, wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicant respectfully submits that claim 17 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 17 is allowable for at least the reason that *Bunger* does not disclose, teach, or suggest at least **the network-specific data comprising data for setting a network access level for the apparatus**. Even if, assuming for the sake of argument, *Bunger* discloses network-

specific data, *Bunger* fails to disclose that the network specific data sets the network access level. *Bunger* fails to suggest separate access levels for the network and certainly fails to set a particular network access level. Therefore, *Bunger* does not anticipate independent claim 17, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 17 is allowable over the cited references of record, dependent claims 18-21 and 23-24 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-21 and 23-24 contain all the features of independent claim 17. Therefore, since dependent claims 18-21 and 23-24 are patentable over *Bunger*, the rejection of claims 18-21 and 23-24 should be withdrawn and the claims allowed.

### III. Rejections Under 35 U.S.C. §103(a)

#### A. Claims 1 and 6

The Office Action rejects claim 1 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). The Office Action rejects claim 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.* (U.S. Publication No. 2004/0015961). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 1** recites:

1. A method comprising:  
receiving a device driver file and a first portion of network-specific data from a station to a host computing device, **the network-specific data comprising data for setting a network access level for the station**;  
installing at said host computing device a device driver that is represented by said device driver file; and  
transmitting a data block into a shared-communications medium that constitutes a network, wherein said host computing device generates said data block and wherein said host computing device uses said device driver to transfer said data block to said station; wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicant respectfully submits that claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Bunger* and *Cheshire* does not disclose, teach, or suggest at least **the network-specific data comprising data for setting a network access level for the station**. Even if, assuming for the sake of argument, *Bunger* discloses network-specific data, *Bunger* fails to disclose that the network-specific data comprises data for setting a network access level for the station. *Bunger* fails to suggest separate access levels for the network and certainly fails to set a particular network access level.

Even if, assuming for the sake of argument, *Cheshire* discloses network configuration information, *Cheshire* fails to disclose that the network-specific data comprising data for setting a network access level for the station. The network configuration information of *Cheshire* “typically contains an internet protocol (IP) address which is a globally unique address of a host connected to the Internet. The IP address is used to initialize the client processing system’s network interface. The configuration information also typically contains subnet masks to identify and distinguish the network portion of an IP address from the host part, and domain name system (DNS) address that are used to resolve domain name to IP addresses and vice versa. See *Cheshire*, col. 3, lines 49-58. It is clear that *Cheshire* fails to disclose, teach, or suggest that the network configuration information includes a network access level for the device. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claim 6 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 6 contains all the features of independent claim 1. Therefore, the rejection of claim 6 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 6, *Chefalas* does not make up for the deficiencies of *Bunger* and *Cheshire* noted above. Therefore, claim 6 is



considered patentable over any combination of these documents for at least the reason that claim 6 incorporates allowable features of claim 1 as set forth above.

B. Claims 9 and 11

The Office Action rejects claim 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). The Office Action rejects claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.* (U.S. Publication No. 2004/0015961). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 9** recites:

9. An apparatus comprising:  
a memory for storing a device driver file and a first portion of network-specific data, ***the network-specific data comprising data for setting a network access level for the apparatus;***  
a host interface for transferring said device driver file and said first portion of network-specific data to a host computing device; and  
a transmitter for transmitting a data block into a shared-communications medium that constitutes a network, wherein said data block is received from said host computing device using a device driver that is that is represented by said driver file;  
wherein said first portion of network-specific data defines said network.  
(Emphasis added).

Applicant respectfully submits that claim 9 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Bunger* and *Cheshire* does not disclose, teach, or suggest at least **the network-specific data comprising data for setting a network access level for the apparatus**. Even if, assuming for the sake of argument, *Bunger* discloses network-specific data, *Bunger* fails to disclose that the network-specific data comprises data for setting a network access level for the station. *Bunger* fails to suggest separate access levels for the network and certainly fails to set a particular network access level.

Even if, assuming for the sake of argument, *Cheshire* discloses network configuration information, *Cheshire* fails to disclose that the network-specific data comprising data for setting a network access level for the station. The network configuration information of *Cheshire* “typically contains an internet protocol (IP) address which is a globally unique address of a host connected to the Internet. The IP address is used to initialize the client processing system’s network interface. The configuration information also typically contains subnet masks to identify and distinguish the network portion of an IP address from the host part, and domain name system (DNS) address that are used to resolve domain name to IP addresses and vice versa. See *Cheshire*, col. 3, lines 49-58. It is clear that *Cheshire* fails to disclose, teach, or suggest that the network configuration information includes a network access level for the device. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 9, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 9 is allowable over the cited references of record, dependent claim 11 (which depends from independent claim 9) is allowable as a matter of law for at least the reason that dependent claim 11 contains all the features of independent claim 9. Therefore, the rejection of claim 6 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 11, *Chefalas* does not make up for the deficiencies of *Bunger* and *Cheshire* noted above. Therefore, claim 11 is considered patentable over any combination of these documents for at least the reason that claim 11 incorporates allowable features of claim 9 as set forth above.

D. Claims 17 and 22

The Office Action rejects claim 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). The Office Action rejects claim 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.* (U.S. Publication No. 2004/0015961). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 17** recites:

17. An apparatus comprising:  
a transceiver for:
  - 3) transferring a device driver file and a first portion of network-specific data to a host computing device, ***the network-specific data comprising data for setting a network access level for the apparatus;*** and

- 4) transmitting a data block into a shared-communications medium that constitutes a network; and a host computing device for:
- 3) installing a device driver that is represented by said device driver file;
- 4) generating said data block; and
- 3) using said device driver to transfer said data block to said transceiver, wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicant respectfully submits that claim 17 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. § 103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 17 is allowable for at least the reason that the combination of *Bunger* and *Cheshire* does not disclose, teach, or suggest at least **the network-specific data comprising data for setting a network access level for the apparatus**. Even if, assuming for the sake of argument, *Bunger* discloses network-specific data, *Bunger* fails to disclose that the network-specific data comprises data for setting a network access level for the station. *Bunger* fails to suggest separate access levels for the network and certainly fails to set a particular network access level.

Even if, assuming for the sake of argument, *Cheshire* discloses network configuration information, *Cheshire* fails to disclose that the network-specific data comprising data for setting a network access level for the station. The network configuration information of *Cheshire* “typically contains an internet protocol (IP) address which is a globally unique address of a host connected to the Internet. The IP

address is used to initialize the client processing system's network interface. The configuration information also typically contains subnet masks to identify and distinguish the network portion of an IP address from the host part, and domain name system (DNS) address that are used to resolve domain name to IP addresses and vice versa. See *Cheshire*, col. 3, lines 49-58. It is clear that *Cheshire* fails to disclose, teach, or suggest that the network configuration information includes a network access level for the device. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 17, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 17 is allowable over the cited references of record, dependent claim 22 (which depends from independent claim 17) is allowable as a matter of law for at least the reason that dependent claim 22 contains all the features of independent claim 17. Therefore, the rejection of claim 22 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 22, *Chefalas* does not make up for the deficiencies of *Bunger* and *Cheshire* noted above. Therefore, claim 22 is considered patentable over any combination of these documents for at least the reason that claim 22 incorporates allowable features of claim 17 as set forth above.

**IV. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

### **CONCLUSION**

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-24 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 50-0835.

Respectfully submitted,

/BAB/

**Benjamin A. Balser, Reg. No. 58,169**

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1500  
600 Galleria Parkway  
Atlanta, Georgia 30339  
(770) 933-9500